

REMARKS

Claims 1-5 and 8-20 are pending in the present application. Claims 1, 3-12 and 14-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Hakamata et al., U.S. Patent No. 5,065,008. Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hakamata in view of Hänninen et al., U.S. Patent No. 5,523,573.

Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(b), §103(a)

Claims 1, 3-12 and 14-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Hakamata et al., U.S. Patent No. 5,065,008. Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hakamata in view of Hänninen et al., U.S. Patent No. 5,523,573.

Independent claim 1 of the present application recites “a monitoring means that measures the light power level of the detection light,” and an optical shutter means with which the detection beam path can be blocked “based on the light power level of the detection light exceeding a definable threshold.” Independent claim 12 of the present application recites “measuring the light power level of the detection light” and “blocking the detection beam path, when the light power level of the detection light exceeds a definable threshold, using an optical shutter means.”

Contrary to the Examiner's assertions, it is respectfully submitted that Hakamata does not control liquid crystal shutters 23a “based on the light power level of the detection light exceeding a definable threshold,” as recited in claim 1, or use the shutters 23a for “blocking the detection beam path, when the light power level of the detection light exceeds a definable threshold,” as recited in claim 12. Whatever the relationship between a measured power level, or any other output of photodetector 25, and the liquid crystal shutters 23a of Hakamata, there is no disclosure in Hakamata that such measured power level or output affects the shutters. Hakamata explicitly teaches controlling the shutters in synchronization with a scanning operation *based on a synchronization signal received from a control circuit 32*. See col. 8,

lines 29-39, and Fig. 1. There is no teaching that any sort of measured power controls the shutters, as recited. Nor does Hänninen teach or suggest these features.

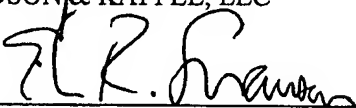
Withdrawal of the rejection of claims 1, 3-12 and 14-20 under 35 U.S.C. §102(b) as being anticipated by Hakamata, and of claims 2 and 13 under 35 U.S.C. §103(a) based Hakamata in view of Hänninen, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Erik R. Swanson
Reg. No. 40,833

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940